

Chapter 4.0 - Applications and Review Procedures

4.0. - Administration of Land Use and Development Permit Applications

4.1. - Types of Applications and Review Procedures

4.2. - Site Design Review

4.3. - Land Divisions, Replats and Property Line Adjustments

4.4. - Conditional Use Permits

4.5. - Special Standards for Certain Conditional Uses

4.6. - Modifications to Approved Plans and Conditions of Approval

4.7. - Land Use District Map and Text Amendments

4.8. - Code Interpretations

4.9. - Miscellaneous Permits

4.10. Variance

4.11. Vacation of Right-of-Way

Table 4.1.2

**Summary of Development Decisions/Permit by
Type of Decision-making Procedure***

Access Permit (public street)	Type I	Chapters 3.1
<u>Alternative Design Review (Detroit Avenue Corridor)</u>	<u>Type III</u>	<u>Chapter 2.3.7</u>
Annexation	Type III/IV	Comprehensive Plan and City/County intergovernmental agreement(s), as applicable.
Building Permit	N/A	Building Code
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4
Conditional Use Permit - Special		
Boat/Camper/Trailer Storage	Type III	Chapter 4.5.2
Manufactured Home Park	Type III	Chapter 4.5.3
Recreational Vehicle Park	Type III	Chapter 4.5.5
Extension of Approval	Type I	See Specific Land Use or Development Permit Type
Flood Plain Development Permit	Type I	Chapter 3.7
Grading Permit	Type I	Chapter 3.9.2
Home Occupation Permit	Type I	Chapter 4.9.2
Modification to Approval	Type I/II/III	Chapter 4.6
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Partition	Type II	Chapter 4.3
Planned Unit Development	Type III	Chapter 4.5.5

Public Construction	Type	Public Works Design Standards
Signs		
Sign Conditional Use	Type III	Chapter 3.5.2.N
Sign Variance	Type III	Chapter 3.5.2.P
Sign Permit	Type <u>III</u> <u>I</u>	Chapter 3.5.2
Site Design Review	Type <u>III</u> <u>II</u>	Chapter 4.2
Subdivision	Type III	Chapter 4.3
Variance		
Class A	Type I	Chapter 4.10
Class B	Type II	Chapter 4.10
Class C	Type III	Chapter 4.10
Variance - Special		
Flood Plain		
Riparian Corridor Adjustment	Type III	Chapter 3.7.2.E
Wetland Protection	Type III	Chapter 3.7.3.F
Wireless Communication Facilities	Type III	Chapter 4.5.6

*Note: The Chapters referenced above in the right-hand column describe the types of land uses and development activity that require permits under each type of decision-making procedure.

Chapter 4.2 – Site Design Review

Sections:

4.2.1 Purpose

4.2.2 Applicability

4.2.3 Site Design Review - Application Submission Requirements

4.2.4 Site Design Review Approval Criteria

4.2.5 Bonding and Assurances

4.2.6 Development in Accordance With Land Use and Permit Approval

4.2.1 Purpose.

The Site Design Review Process is intended to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review.
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provisions for transportation, water supply, sewage and drainage;
- F. Encourage the conservation of energy resources;
- G. Encourage efficient use of land resources, full utilization of urban services, transportation options, and detailed, human-scaled design; and
- H. Protect and enhance water quality.

4.2.2 Applicability.

- A. Site Design Review shall be applicable to all new developments, major remodeling of existing developments, and change of occupancy, as defined by the Building Code, and/or change of use for commercial and industrial developments except:
 - 1. Single Family detached dwellings.
 - 2. A duplex.
 - 3. Any commercial or industrial remodel or expansion that does not exceed 25 percent of the total square footage of the existing structure.
 - 4. change of occupancy, or commercial or industrial remodel, that does not intensify the use of the property by increasing the number of customers, vehicle and pedestrian traffic to the site, parking requirements, etc.

4.2.3 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Section 4.1.5 4.1.4 (Type III II application), as applicable.
- B. **Site Design Review Information.** An application for site design review shall include the following information, as deemed applicable by the City Recorder, or the City Recorder's designee:
1. Existing Conditions Plan. At a minimum the site map shall contain the following:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
 - b. Topographic contour lines at intervals determined by the City;
 - c. Identification of slopes greater than 15 percent;
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - f. Resource areas, including riparian corridors, marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
 - g. Site features, including existing structures, pavement, areas having unique views, and drainage ways, and ditches;
 - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - i. The location, size and species of trees and other vegetation having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade;
 - j. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;
 - k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
 - l. Other information, as determined by the City Recorder, or the City Recorder's designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features.
 2. Proposed site plan. The site plan shall contain the following information, if applicable:
 - a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis map which are proposed to remain on the site;
 - c. Features identified on the existing conditions Plan if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - f. A calculation of the total impervious surface before development and the total effective impervious surface after development;
 - g. The location and dimensions of all storm water or water quality treatment, infiltration and/or retention facilities.
 - h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
 - j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - k. Loading and service areas for waste disposal, loading and delivery;
 - l. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
 - m. Location, type, and height of outdoor lighting;
 - n. Location of mailboxes, if known;
 - o. Name and address of project designer, if applicable;
 - p. Locations, sizes, and types of signs.
 - q. Other information, determined by the City Recorder, or the City Recorder's designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.) in conformance with this Code.
3. Architectural drawings. Architectural drawings shall be submitted showing:
- a. Building elevations with building height and width dimensions;
 - b. Building materials, color and type;
 - c. The name of the architect or designer.
4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Chapter 3.4..
5. Landscape plan. A landscape plan is required and shall show the following:
- a. The location and height of existing and proposed fences and other buffering or screening material;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species (common & botanical names) of the existing and proposed plant materials (at time of planting);

- d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method or irrigation) and anticipated planting schedule.
- 6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.5.2).
 - 7. Copies of all existing and proposed restrictions and covenants.
 - 8. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.6.

4.2.4 Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- A. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.3, above.
- B. The application complies with all of the applicable provisions of the underlying Land Use Zone (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, and other special standards as may be required for certain land uses;
- C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with Chapter 4.11, Nonconforming Uses and Development;
- D. The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:
 - 1. Chapter 3.1 - Access and Circulation;
 - 2. Chapter 3.2 - Vehicle and Bicycle Parking;
 - 3. Chapter 3.3 - Landscaping, Street Trees, Fences, and Walls;
 - 4. Chapter 3.4 - Accessory Structures;
 - 5. Chapter 3.5 – Other Development Standards;
 - 6. Chapter 3.6 – Surface Water management;
 - 7. Chapter 3.7 – Sensitive Lands (e.g. Flood Hazards);
 - 8. Chapter 3.8 – Public Facilities Standards;
 - 9. Chapter 3.9 – Grading and Erosion Control.
- E. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4) or other approval shall be met.
- F. Exceptions to criteria D.1-8, above, may be granted only when approved as a Variance.

4.2.5 Bonding and Assurances

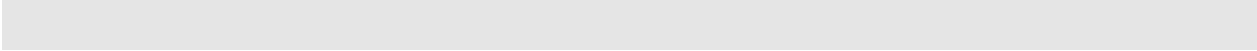
- A. **Performance Bonds for Public Improvements.** On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100 percent or other adequate assurances as a condition of site development approval in order to guarantee the public improvements.

- B. **Release of Performance Bonds.** The bond or assurance shall be released when the City Recorder, or the City Recorder’s designee, finds the completed project conforms to the site development approval, including all conditions of approval.

4.2.6 Development in Accordance with Land Use Decision and Permit Approval

Developments shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.7. Site Design Review approval shall be subject to all of the following standards and limitations:

- A. **Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Section 4.6, shall be processed as a Type I procedure and require only Site Review. Major modifications, as defined in Section 4.6, shall be processed as a Type II ~~or Type III~~ procedure and shall require site design review. For information on Type I, ~~and Type II and Type III~~ procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.
- B. **Approval Period.** Site Design Review approvals shall be effective for a period of one (1) year from the date of approval. The approval shall lapse if:
1. A building permit has not been issued within a one-year period; or
 2. Construction on the site is in violation of the approved plan.
- C. **Extension.** The City Recorder, or the City Recorder’s designee, shall, upon written request by the applicant, grant an extension of the approval period not to exceed one (1) year; provided that:
1. No changes are made on the original approved site design review plan;
 2. The applicant can show intent of initiating construction on the site within the one (1) year extension period;
 3. No changes occurred to the applicable Code provisions on which the City based its approval. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one (1) year of site design approval was beyond the applicant’s control.
- D. **Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:
1. A phasing plan shall be submitted with the Site Design Review application.
 2. The City shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than three (3) years without reapplying for site design review.
 3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;

- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer.
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and an application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).
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Chapter 4.9 - Miscellaneous Permits

Sections:

4.9.1 Temporary Use Permits

4.9.2 Home Occupation Permits

4.9.3 *[Reserved for “Sensitive Land Permits”]*

4.9.1 Temporary Use Permits

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. **Interim development in the Detroit Avenue Corridor overlay zone is not subject to this section and shall be subject to Section 2.3.7(G).** Three types of temporary uses require permit approval (See A, B and C):

A. **Seasonal and Special Events.** These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use zone and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property owner’s permission to place the use on their property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.2 - Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by Section 3.1.2, and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Section 3.1.2 - Vehicular Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
7. The use is adequately served by septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits).

B. **Temporary Sales Office or Model Home.** Using a Type II procedure, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model house:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code.

C. **Temporary Building.** Using a Type II procedure, as governed by Section 4.1.4, the City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on the following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Section 3.1.2 - Vehicular Access and Circulation;
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.2 - Bicycle and Vehicle Parking;
5. The use will not result in vehicular congestion on streets;
6. The use will pose not hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
10. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.